IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5629 of 2007()

CRIME NO.810/07 OF MOOVATTUPUZHA POLICE STATION

PETITIONER/ACCUSED 1 TO 3

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1. T.K.ALIYARKUNJU, AGED 75 YEARS,
   RESIDING AT KURUBAMKUNNATH HOUSE,
   MARADI VILLAGE, MARADI DESOM,
   MOOVATTUPUZHA TALUK, 16/89MMC,
   ARAKUZHA ROAD, MOOVATTUPUZHA.

2. K.A.ZEENATH, AGED 50 YEARS, D/O T.K.
   ALIYARKUNJU, RESIDING AT KURUBAMKUNNATH HOUSE,
   MARADI VILLAGE, MARADI DESOM,
   MOOVATTUPUZHA TALUK, 16/89MMC,
   ARAKUZHA ROAD, MOOVATTUPUZHA.

3. PATHUMMA ALIYAR, AGED 65 YEARS, W/O T.K.
   ALIYARKUNJU, RESIDING AT KURUBAMKUNNATH HOUSE,
   MARADI VILLAGE, MARADI DESOM,
   MOOVATTUPUZHA TALUK, 16/89MMC,
   ARAKUZHA ROAD, MOOVATTUPUZHA.

BY ADV. SRI.T.MADHU

RESPONDENTS: STATE

THE STATION HOUSE OFFICER,
MOOVATTUPUZHA POLICE STATION, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5629 OF 2007

Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 to 3. The petitioner No.1 is a person aged about 75 years. Petitioners 2 and 3 are women aged 50 and 65 years respectively. They face allegations under Secs.420 and 342 of the IPC. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The crux of the allegations against the petitioners is that they have received amounts from the de facto complainant promising employment to the de facto complainant and her son. Visas were provided. Both of them went abroad. The crux of the grievance is that the nature of the job that was actually offered to the job seekers was different from what was promised and what they expected to get. It is further alleged

that the job seekers, who went abroad, were subjected to great hardships and loss at the place of employment. The de facto complainant's son's whereabouts are not known now.

3. The learned counsel for the petitioners submits that the allegations are totally incorrect and false. The petitioners have no direct responsibility whatsoever. Totally false allegations have been raised by the de facto complainant because their expectations were not fulfilled when they reached the place of employment abroad. The petitioners are willing to abide by any reasonable conditions imposed. The petitioners may be saved of the undeserved trauma of arrest and detention, submits the learned counsel for the petitioners.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are serious and the petitioners do not deserve to be armed with an order of anticipatory bail at this stage.

5. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations raised or the credibility of the data collected. Suffice it to say that, in the facts and circumstances to which I have made a brief reference above, I

am satisfied that anticipatory bail can be granted to the petitioners.

6. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 26/9/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27/9/07 and 28/9/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law

as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 26/9/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 26/9/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge